

REMARKS

Claim Rejection 35 U.S.C. §102

The Examiner alleges that claims 1-4, 6-21, 23, 25 27, 28 are anticipated by *Biavati et al.* The Examiner specifically points to page 286 and Figure 1 of *Biavati* and alleges that it teaches all the elements of independent claims 1 and 15. The Examiner however fails to note that the claims as originally presented (and still as amended) recite in step (a) that the “processed sample liquid solution” is obtained in a “non-shearing manner” as taught in the specification. Just the opposite, *Biavati* teaches a method of sample treatment (glass bead shaking-in an undisclosed and non-enabled apparatus) that is designed to create shear forces.

Further the Examiner appears to be alleging that liquid solution of *Biavati* teaches the presence of DNA fragments greater than 200 kilobase pairs and points to Figure 1 for support. Figure 1 does not support the Examiner’s contention. The largest DNA fragment on the gel in Figure 1 appears to be a closed circular standard of 35.8×10^6 daltons. Such a molecule is roughly 55 kb.

As a consequence of at least these readily apparent deficiencies, the Examiner’s rejection of claims 1 and 15 and all claims depending on them fails. Applicant’s respectfully request that the rejection be withdrawn.

Claim Rejection 35 U.S.C. §103

The Examiner alleges that claims 5 and 6 are obvious in view of *Biavati* and *Keating* (USPN 5,182,242). This rejection also fails to meet the statutory standard because all the limitations in claims 5-6 as originally presented (and still as amended) are/were not met by the combination as outlined in the discussion above.

Final Remarks

Applicants respectfully submit that the claims as amended render *Biavati* even less relevant. *Biavati* is unconcerned with maintaining the degree of sample integrity or the analysis required for molecular typing as now recited in the claims.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

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